

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

NATURAL RESOURCES DEFENSE  
COUNCIL, et al.,

Plaintiffs,

v.

KIRK C. RODGERS, etc., et al.,

Defendants.

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NO. CIV. S-88-1658 LKK

O R D E R

A Status Conference was held in the above-captioned case on May 23, 2005. KATE POOLE, HAL CANDEE and FRED ALTSHULER appeared as counsel for plaintiffs; MARIA IIZUKA, DAVID GLAZIER, JASON COHEN and CHRIS KEIFER appeared as counsel for the federal defendants; JENNIFER BUCKMAN, JIM THOMPSON and GREG WILKINSON appeared as counsel for the Friant defendants; JOHN RUBIN appeared as counsel for the intervenors.

At that conference, the parties discussed how to resolve the failure of the Federal and Friant defendants to include discussion of the remedies issues in their most recent

1 consolidated brief on the remaining claims not relating to the  
2 first cause of action.<sup>1</sup> As a result of that discussion, the  
3 court hereby makes the following ORDERS:

4 1. The Federal and Friant defendants are directed to file  
5 with the court and serve on all parties, a letter, by June 6,  
6 2005 at 4:00 p.m., which contains a comprehensive list of where,  
7 in the briefs they have previously filed, the court can find  
8 their discussion of the appropriate remedy should it find  
9 violations under the Endangered Species Act.<sup>2</sup> This letter is  
10 not to contain any additional arguments but should be a simple  
11 list of where the court can find the already-submitted sections  
12 relevant to the remedies issues on the above-cited claim.

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21 <sup>1</sup> The court had previously ordered the parties to brief the  
22 remedies for these claims in their consolidated briefs which were  
23 filed on May 9, 2004. See April 18, 2005 Order at ¶ 3.

24 <sup>2</sup> Because the Federal and Friant defendants believe their  
25 briefing on the appropriate remedy for an Endangered Species Act  
26 violation applies equally to the National Environmental Policy Act  
and Reclamation Act claims, the parties agreed that the Federal and  
Friant defendants did not need additional time to brief those  
issues separately.

2. The sections cited in the above-mentioned letter will constitute briefing by these parties on the remedies for all the remaining claims not relating to the first cause of action, this includes claims under the Endangered Species Act as well as the National Environmental Policy Act, and the Reclamation Act.

IT IS SO ORDERED.

DATED: May 24, 2005.

/s/Lawrence K. Karlton

LAWRENCE K. KARLTON

SENIOR JUDGE

UNITED STATES DISTRICT COURT